

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, AICP, Planning and Zoning Manager/(954) 797-1103

PREPARED BY: Maria C Sanchez, Planner II

SUBJECT: Variance

AFFECTED DISTRICT: 3

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: V 9-3-09, Popkin, 10207 Laurel Road (AG)

REPORT IN BRIEF: The petitioner is requesting a variance from the Land Development Code, Section 12-81A. Conventional Single Family Development Standards and Section 12-287(B) Development Standard Setback, within the AG, Agricultural District, from the required thirty-five (35) foot side setback to provide a side setback of thirty (30) feet along the western property line. (V 9-3-09, Popkin, AG zoning)

PREVIOUS ACTIONS: n/a

CONCURRENCES: At the December 9, 2009 Planning & Zoning Board meeting, Vice-Chair Busey made a motion, seconded by Mr. Farkas, to approve. In a roll call vote, the vote was as follows: Chair Turin – yes; Vice-Chair Busey – yes; Mr. DeArmas – yes; Mr. Farkas – yes; Mr. Jacob – yes. (Motion carried 5-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Staff Report

Surrounding Zoning:

North:	AG, Agricultural District
South:	AG, Agricultural District
East:	AG, Agricultural District
West:	AG, Agricultural District

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-309), Land Development Code, review for variances.

Land Development Code (Section 12-24) (A), Agricultural Districts: The AG District, this district is intended to maintain, preserve and protect areas of the Town of Davie that are predominately in agricultural uses, and/or have historically demonstrated agriculture productivity. This district is designed to protect the agricultural industry from scattered residential development that displaces agricultural uses from substantial areas of productive agricultural land for a limited number of dwelling units by providing for lots on an acre in size or larger. This district is intended to maintain the rural character of the town and implement the Town of Davie Comprehensive Plan.

Land Development Code (Rural Lifestyle Development Regulations Section 12-81 and Section 12-287(B)): The development standards that govern the construction of single-family dwelling units in the agricultural district. The AG, Agricultural District requires the following minimums: lot area of 43,560 square feet, 150' minimum lot frontage, 40'-50' front setback, 35' side setbacks, 35' rear setback, 35' maximum building height, and 20 percent maximum building coverage.

Comprehensive Plan Considerations

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies:

Staff Analysis

The following information is staff's analysis (*italic font*) based on the criteria established in the Town of Davie's, Land Development Code, Section 12-309(B)(1) for variance applications:

- (a) There are special circumstances or conditions applying to the land or building for which the variance is sought; which circumstances or conditions are peculiar to such land or building and do not apply

generally to land or buildings in the same district; and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variances are sought; and that alleged hardship is self-created by any person having an interest in the property.

The existing residential dwelling was lawfully built with a thirty (30) foot side setback and in compliance with the zoning regulations that existed at the time. The Town of Davie adopted the Rural Lifestyle Development Regulations in 2002 which changed the side setback requirements from 30 to 35 feet. Although the proposed addition can be designed to meet the thirty-five (35) feet side setback, there may be little or no public benefit to applying the new setback requirement to such a minor additions.

- (b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Variance is not necessary for reasonable use of the land

- (c) Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the December 9, 2009 Planning & Zoning Board meeting, Vice-Chair Busey made a motion, seconded by Mr. Farkas, to approve. In a roll call vote, the vote was as follows: Chair Turin – yes; Vice-Chair Busey – yes; Mr. DeArmas – yes; Mr. Farkas – yes; Mr. Jacob – yes. (Motion carried 5-0)

Town Council Action

Exhibits

1. Justification Letter
 2. Property Manger Letter
 3. Mail-out Buffer
 4. Mail-out
 5. Conceptual Site Plan
 6. Future Land Use Plan Map
 7. Aerial, Zoning, and Subject Site Map
-

Prepared by: _____
Reviewed by: _____

*File Location: \\ns-th-01\Town_Hall\Develop_Service\P&Z\0_Dev Review\Development
Applications\Applications\V_Variance\V_09\V 9-3-09 Popkin*

Untitled

Justification Letter

We live in Long Lake Ranches and are planning to build on an addition to the north side of our home, which is the majestic model [lot 120] I had spoken to zoning and planning and they explained that we needed approval from our association and from our nearest affected neighbor. We have already recieved a conditional approval from the HOA/Miami Management [see attached letter] and we have spoken to our nearest affected neighbor which is to our west Joseph Ovedia, and recieved their complete approval.

In order for us to achieve this, we are requesting a varience to build on the north side of or home at a side setback of 30 feet. The addition will follow the footprint of our home which is already has a side setback of 30 feet. We will not be changing any setback that already exists, we are just following the existing lines, as the HOA required and approved.

Note that our neighbor to our west has his backyard abutting our side yard. With the combined distance of our wide side yard and our neighbors extra long back yard, our request to extend only 5 feet into our side setback will not even be noticeable than it might be if the homes were side by side.

Furtermore, many neighbors in my development have already done this addition to their homes and it is quite appealing to the eye and has added significant value to their homes and the neighborhood. As the other neighbors who have done this addition it compliments the existing home and really looks like it were an upgrade offered by GL Homes themselves.

Thank you for your consideration of our variance request.

We look forward to hearing from you soon,

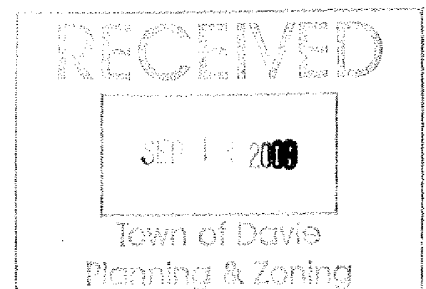
Sincerely,

Gregg & Edith Popkin

10207 Laurel Road

Davie, Fl. 33328 954-452-9989

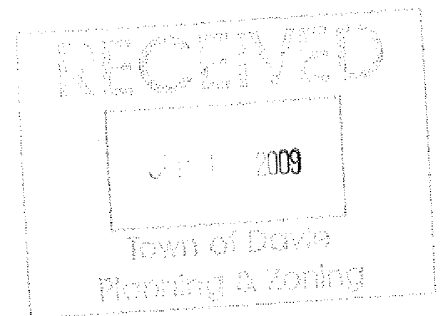
email- powerline@bellsouth.net



justification criteria letter

Justification Letter Criteria

- A. There are no special circumstances or conditions applying to the land or building for which the variance is sought. The addition is in the footprint of the existing home and does not encroach on any of the neighbors structure by at least 70 feet. The structure will be well over 150 from any neighbor.
- B. The granting of this variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose. The new setback of 30 feet on the side matches with the setback of the home which is also 30 feet and the new structure will be in the footprint of the existing home.
- C. Granting of the requested variances will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.



(V 9-3-09 Property Manager Letter)



August 26, 2009

Gregg Popkin
10207 Laurel Road
Davie, FL 33328

RE: Long Lake Ranches/ACCOUNT # 3818-000120
10207 Laurel Road

Dear Gregg Popkin,

This Letter will confirm that your request form on the above mentioned property, was **Conditionally Approved** by the Architectural Review Committee for the following:

Conditionally Approved: Request to convert patio into pool room, as submitted.

Comments: As submitted. Subject to receipt of variance approved for Town of Davie for 35 ft. setback. All structure must remain behind the footprints of existing house.

If applicable, it is the owner's responsibility to obtain any required permits from the City of Miramar and/or Broward County.

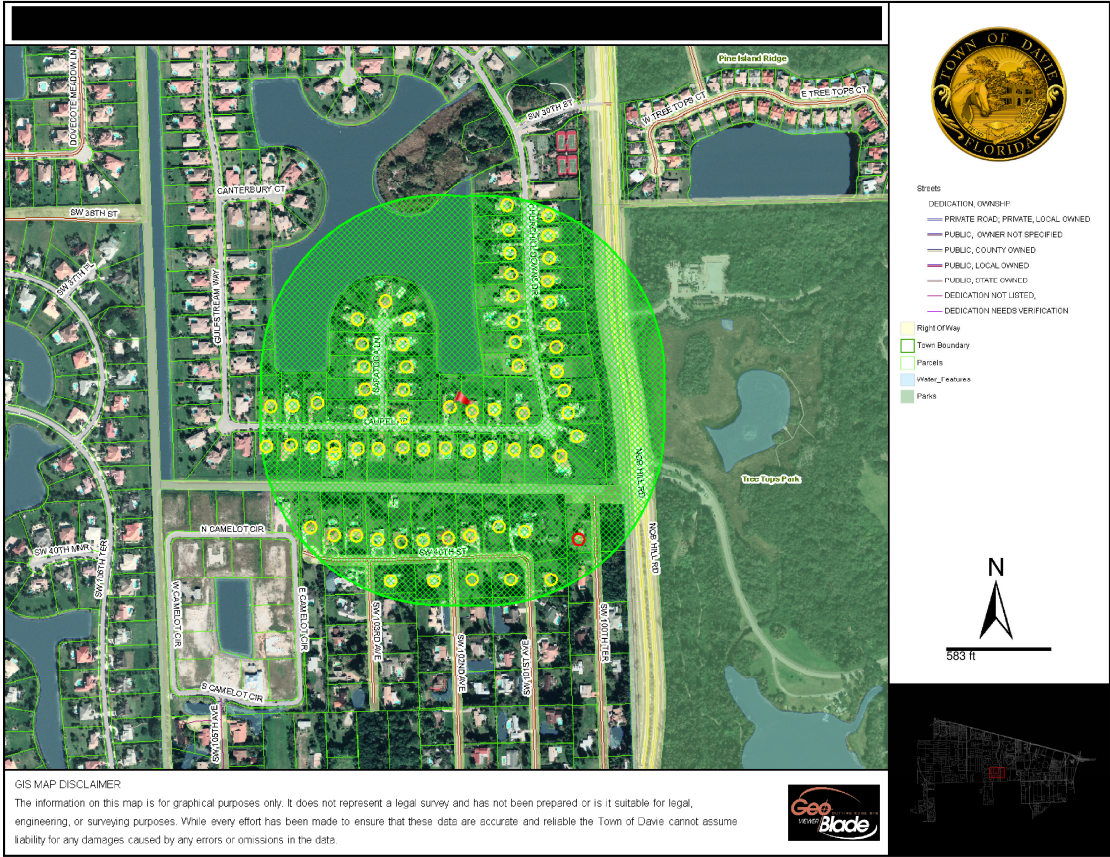
It is the ultimate responsibility of the property owner to insure that their Architectural request form conforms to all the relevant Declaration of Covenants and Restrictions, Bylaws and Rules and Regulations of the Association pertaining to any and all alterations and/or changes to the exterior of home.

If you have any questions, please feel free to contact me at 954-846-7545 ext. 332.

Sincerely,

Gwendolyn De Leon, CAM
Property Manager





(V 9-3-09 Mail-out)

Name	ADDRESS_1	CITY_GIS	ST ZIP
Current Occupant	4001 SW 102 AVE	DAVIE	FL 33328
Current Occupant	4020 SW 102 AVE	DAVIE	FL 33328
Current Occupant	10101 SW 40 ST	DAVIE	FL 33328
Current Occupant	10141 SW 40 ST	DAVIE	FL 33328
Current Occupant	10181 SW 40 ST	DAVIE	FL 33328
Current Occupant	10201 SW 40 ST	DAVIE	FL 33328
Current Occupant	10221 SW 40 ST	DAVIE	FL 33328
Current Occupant	10261 SW 40 ST	DAVIE	FL 33328
Current Occupant	10291 SW 40 ST	DAVIE	FL 33328
Current Occupant	10311 SW 40 ST	DAVIE	FL 33328
Current Occupant	10331 SW 40 ST	DAVIE	FL 33328
Current Occupant	10181 SW 40 ST	DAVIE	FL 33328
Current Occupant	3683 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3663 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3792 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	10157 LAUREL RD	DAVIE	FL 33328
Current Occupant	3672 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	10437 LAUREL RD	DAVIE	FL 33328
Current Occupant	3852 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3732 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	10308 LAUREL RD	DAVIE	FL 33328
Current Occupant	10178 LAUREL RD	DAVIE	FL 33328
Current Occupant	3812 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	10207 LAUREL RD	DAVIE	FL 33328
Current Occupant	3692 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3772 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3727 SARATOGA LN	DAVIE	FL 33328
Current Occupant	3712 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3736 SARATOGA LN	DAVIE	FL 33328
Current Occupant	3787 SARATOGA LN	DAVIE	FL 33328
Current Occupant	3752 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	10117 LAUREL RD	DAVIE	FL 33328
Current Occupant	3767 SARATOGA LN	DAVIE	FL 33328
Current Occupant	3776 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10138 LAUREL RD	DAVIE	FL 33328
Current Occupant	3716 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10368 LAUREL RD	DAVIE	FL 33328
Current Occupant	10457 LAUREL RD	DAVIE	FL 33328
Current Occupant	3707 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10428 LAUREL RD	DAVIE	FL 33328
Current Occupant	3747 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10278 LAUREL RD	DAVIE	FL 33328
Current Occupant	3796 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10057 LAUREL RD	DAVIE	FL 33328
Current Occupant	3797 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10338 LAUREL RD	DAVIE	FL 33328
Current Occupant	3756 SARATOGA LN	DAVIE	FL 33328
Current Occupant	10078 LAUREL RD	DAVIE	FL 33328
Current Occupant	10407 LAUREL RD	DAVIE	FL 33328
Current Occupant	10448 LAUREL RD	DAVIE	FL 33328
Current Occupant	10238 LAUREL RD	DAVIE	FL 33328

Current Occupant	10398 LAUREL RD	DAVIE	FL 33328
Current Occupant	10038 LAUREL RD	DAVIE	FL 33328
Current Occupant	10018 LAUREL RD	DAVIE	FL 33328
Current Occupant	3763 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3703 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3723 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	3743 CHURCHILL DOWNS DR	DAVIE	FL 33328
Current Occupant	10398 LAUREL WAY	DAVIE	FL 33328
ALLEN,PETER	4360 PETERS ROAD	FORT LAUDERDALE	FL 33317
BEAUFILS,LLOYD	10078 LAUREL ROAD	DAVIE	FL 33328
BECKLER,GREGG	3712 CHURCHILL DOWNS DR	DAVIE	FL 33328
BLUTH,BARRY A	10178 LAUREL ROAD	DAVIE	FL 33328
BOWLING,ROBER	3727 SARATOGA LANE	DAVIE	FL 33328
BROWN,JOSEPH	3747 SARATOGA LANE	DAVIE	FL 33328
BUSH,DEVIN & KE	10278 LAUREL ROAD	DAVIE	FL 33328
CASTELLANOS,CI	3743 CHURCHILL DOWNS DR	DAVIE	FL 33328
DIBARI,BRENDA	8 PO BOX 696	NEW YORK	NY 10012
ELSHEIKH,HAITH	10428 LAUREL ROAD	DAVIE	FL 33328
ESQUILINO,JOHN	3723 CHURCHILL DOWNS DR	DAVIE	FL 33328
EVANS,ARTHUR	3732 CHURCHILL DOWNS DR	DAVIE	FL 33328
EXARHOS,TIMOTI	3812 CHURCHILL DOWNS DR	DAVIE	FL 33328
FALETRA,JOHN V	3852 CHURCHILL DOWNS DR	DAVIE	FL 33328
GADDY,DONALD	110057 LAUREL ROAD	DAVIE	FL 33328
GRANT,JULIOUS	3716 SARATOGA LANE	DAVIE	FL 33328
GUARINO,CHARLI	10181 SW 40 ST	DAVIE	FL 33328
HABTE,BERHANE	3772 CHURCHILL DOWNS DR	DAVIE	FL 33328
HARRINGTON,STI	10238 LAUREL ROAD	DAVIE	FL 33328
HARRIS,BARRY D	10201 SW 40TH ST	DAVIE	FL 33328
HAWS,NELSON S	10338 LAUREL ROAD	DAVIE	FL 33328
HENRIQUEZ,FIDE	10368 LAUREL ROAD	DAVIE	FL 33328
IMOISILI,EROMON	3763 CHURCHILL DOWNS DR	DAVIE	FL 33328
ISHAY,IRENE EZE	10157 LAUREL ROAD	DAVIE	FL 33328
KELLY,ANTHONY	10038 LAUREL ROAD	DAVIE	FL 33328
LICARI,ANTHONY	10291 SW 40TH ST	DAVIE	FL 33328
LIEBER,CHARLES	10437 LAUREL ROAD	DAVIE	FL 33328
MAYARD,ERNST	3797 SARATOGA LANE	DAVIE	FL 33328
MILLER,BRYAN &	3787 SARATOGA LANE	DAVIE	FL 33328
OVADIA,JOSEPH	3776 SARATOGA LANE	DAVIE	FL 33328
PASTRANA,MIGUI	10018 LAUREL ROAD	DAVIE	FL 33328
PATELLA,RONALD	3756 SARATOGA LANE	DAVIE	FL 33328
POPKIN,GREGG	10207 LAUREL ROAD	DAVIE	FL 33328
PRAVATO,DEBOR	10138 LAUREL ROAD	DAVIE	FL 33328
PROCKO,STEPHE	3752 CHURCHILL DOWNS DR	DAVIE	FL 33328
REYELT,WILLIAM	3792 CHURCHILL DOWNS DR	DAVIE	FL 33328
RINCON,CHRISTI	3703 CHURCHILL DOWNS DR	DAVIE	FL 33328
ROBERTS,WILLIA	10398 LAUREL RD	DAVIE	FL 33328
SCHEFLIN,BONNI	10141 SW 40 ST	DAVIE	FL 33328
SCHRAGER,DOUG	10117 LAUREL ROAD	DAVIE	FL 33328
SHAFI,COMBIZ	10221 SW 40TH ST	DAVIE	FL 33328
SMETS,MICHAEL	3736 SARATOGA LANE	DAVIE	FL 33328
SOLOMON,BRUCI	10261 SW 40 ST	DAVIE	FL 33328
STERGHOS,STRA	3707 SARATOGA LANE	DAVIE	FL 33328

WANTMAN,GREG 3767 SARATOGA LANE	DAVIE	FL 33328
WEINSTEIN,ABRA 3683 CHURCHILL DOWNS DR	DAVIE	FL 33328
WEINTRAUB,DAV 3796 SARATOGA LANE	DAVIE	FL 33328

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